

13. PUBLIC COMMENT ON FARE AND SERVICE CHANGES

BASIC REQUIREMENT

Section 5307 grantees are expected to have a written locally developed process for soliciting and considering public comment before raising a fare or carrying out a major transportation service reduction.

AREAS TO BE EXAMINED

1. *Existence and Application of a Locally Developed Process*
2. *Oversight*

REFERENCES

1. [49 USC Chapter 53](#), Federal Transit Laws
2. [49 CFR Part 18](#), "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments"
3. [FTA Circular 9030.1D](#), "Urbanized Area Formula Program: Program Guidance and Application Instructions"

QUESTIONS FOR THE REVIEW

1. *Does the grantee have a process for soliciting and considering public comments prior to a fare increase or a major service reduction? If yes:*
 - a. *What is considered to be a “major” service reduction?*
 - b. *How are public comments solicited?*
 - c. *How are comments considered in the decision-making process?*
 - d. *How are these procedures documented?*
2. *Since the last review, has the grantee raised a fare or reduced service? Was the reduction considered major? Was the locally developed process followed? If not, what was done differently?*

EXPLANATION

Annually, Section 5307 grantees certify that they have a locally developed process to solicit and consider public comment prior to raising a fare or implementing major reduction in public transportation service. Grantees are expected to have a written policy that describes the public comment process. The grantee is responsible for defining a major service reduction. This can be defined as a standard, such as elimination of a route or reduction of “X” percent of service hours or miles.

The policy should provide an opportunity for a public hearing or meeting for any fare increase or major service reduction. It should describe how such meetings will be conducted and how the results will be considered. A public meeting is not mandatory; however, an opportunity for a public meeting in order to solicit comment must be provided. Some grantees offer an opportunity for public comment for all fare and service changes. This meets the requirement.

REFERENCE

49 USC Chapter 53, Section 5307 (d)(1)(I)
FTA C 9030.1D, Ch. IV, Section 8.k

SOURCES OF INFORMATION

The reviewer will obtain and review a copy of the grantee’s policy. The policy may be a separate stand-alone document or part of a larger set of administrative procedures of the agency or local government.

The reviewer will obtain and review a description of any fare increases or major service reductions implemented by the grantee since the last review. The reviewer will compare current fares with the fares described in the grantee’s previous review report, and note effective dates, the process used to solicit public comment, and the dates of public meetings, if any, to discuss the changes. The reviewer will examine transcripts from public hearings, minutes of board meetings, and staff summaries or other internal memoranda that document whether the public participation process was followed and how comments were considered.

The reviewer will examine internal working documents that show the original plans proposed by the grantee compared to the actual plans that were implemented. The reviewer will compare changes in these plans to public hearing transcripts and other sources documenting public participation.

DETERMINATION

The grantee is deficient if it does not have a written policy for soliciting and considering public comments prior to a fare increase or a major service reduction.

The grantee is deficient if the process does not address fare increases, define a threshold for what constitutes a major service reduction, describe the process for soliciting public comments, or specify how comments will be considered.

The grantee is deficient if it increased fares or implemented a major service reduction but did not solicit public comment.

The grantee is deficient if it did not consider the comments received in the implementation of the final plan. Note that it is not necessary for the grantee to have changed its original plans.

SUGGESTED CORRECTIVE ACTION

The grantee will be directed to submit to the FTA regional office a written policy for soliciting and considering public comments prior to a fare increase or major service reduction that addresses fare increases, defines a major service reduction, describes how public comment will be solicited, and specifies how comments will be considered.

The grantee will be directed to submit to the FTA regional office an amended process to solicit public comment for fare increases and major service reductions.

The grantee will be directed to submit to the FTA regional office amended procedures that incorporate consideration and documentation of public comment.

3. *Do Section 5307 subrecipients have a process for soliciting and considering public comments prior to a fare increase or a major service reduction? How are these procedures documented? How does the grantee ensure that the subrecipients comply with public comment process requirements?*

EXPLANATION

The grantee must ensure that Section 5307 subrecipients have a process for obtaining public comment for fare increases and major service reductions. Either the grantee or its subrecipients are expected to have a written policy that describes the public comment process. The grantee must also ensure that subrecipients follow the process and

consider public comment when they raise fares or implement major service reductions.

REFERENCE

[49 USC Chapter 53](#), Section 5307 (d)(1)(I)

[49 CFR Part 18.37](#)

[FTA C 9030.1D](#), Ch. IV, Section 8.k

SOURCES OF INFORMATION

The reviewer will review oversight mechanisms and correspondence. The reviewer will discuss on site with grantee staff. The reviewer will examine the policy and files for subrecipients. The reviewer will discuss the policy and recent subrecipient fare increases and/or major service reductions, and discuss the requirement during the subrecipient site visit.

DETERMINATION

The grantee is deficient if it does not ensure that Section 5307 subrecipients have and follow processes for obtaining public comment for fare increases and major service reductions.

SUGGESTED CORRECTIVE ACTION

The grantee will be directed to provide the FTA regional office procedures for ensuring Section 5307 subrecipients have and follow processes for obtaining public comment for fare increases and major service reductions.